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In re Application of :
JEAN RANTRUA :
Application No. 10/522,160 : **DECISION ON PETITION**
Filed: January 24, 2005 :
Attorney Docket No. 0521-1025 :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on June 22, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely submit corrected drawings, as required in the Notice of Allowance and Fee(s) Due mailed January 19, 2007. The Notice of Abandonment, mailed on June 13, 2007 indicates, "No corrected drawings have been received."

The Office acknowledges receipt of applicant's letter dated April 3, 2007 in which the applicant requests withdrawal of the drawing objection and does not submit corrected drawings. Technology Center Supervisory Patent Examiner Daniel Stodola has reviewed the April 3, 2007 letter and the instant petition and concluded the following:

First, the record shows that the attorney was contacted at time of allowance by the Examiner and informed about the alleged defect in the drawing submission of August 2006 and how it was to be corrected. The record also shows that the attorney agreed to make this change with full knowledge that failure to do so would result in abandonment of the application.

Second, as clearly illustrated in Fig. 1, the posterior half rings 9 have two upper connecting lugs 10 and two lower connecting lugs 11 extending therefrom and connecting to the anterior half rings 8. Fig. 2 does not illustrate the lower connecting lugs 11 and thus, clearly, these lugs must have been sectioned off of the anterior half rings 8 irrespective of the wording on page 3 of the specification, line 3, that Fig. 2 is a "partial view". In fact, it would appear that a "partial" view is also inclusive of views wherein elements have been sectioned off.

Nevertheless, Fig. 2 clearly does not show the second posterior half ring 9 nor does it show the two lower connecting lugs 11, which lugs clearly are unitarily connected to the anterior half rings 8. In view of the fact that connecting lugs 11 clearly unitarily connect with the anterior half rings 8 and are not separate elements from the half rings 8 (note Fig. 1), their absence in Fig. 2 would necessitate some kind of sectioning from the half rings 8 be illustrated.

In addition, if applicant did not want to show cross-hatching because no particular material was disclosed and applicant did not want to be prejudiced on the type of material or did not want to

introduce new matter, then applicant should have presented a corrected Fig. 2 showing the stubs of connecting lugs 11 protruding from the half rings 8 with the squiggly line representation of a break in continuity for the broken off/omitted parts not being shown in the "partial view" of Fig. 2 instead of seeking to continue to rely on a drawing that simply ignores that the connecting lugs 11 and a half ring 9 were even present that the Examiner had already indicated was unacceptable. In other words, even a "partial view" must be properly illustrative and representative of the device.

In light of the non-compliance with 37 CFR 1.85, the holding of abandonment cannot be withdrawn. Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application

Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 Office of Petitions
 P O Box 1450
 Alexandria, VA 22313-1450

/Deborah Stephens/
Office of Data Management
703-308-9250